

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34458

STATE OF IDAHO,	)	2008 Unpublished Opinion No. 555
	)	
Plaintiff-Respondent,	)	Filed: July 18, 2008
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
RODERIC TORKELSON,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Renae J. Hoff, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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PER CURIAM

Roderic Torkelson pled guilty to enticing children over the internet. I.C. § 18-1509A. The district court sentenced Torkelson to a unified term of ten years, with a minimum period of confinement of five years. However, the district court suspended the sentence and placed Torkelson on probation. Thereafter, Torkelson admitted to violating the terms of his probation. The district court revoked Torkelson's probation and ordered execution of the suspended sentence. Torkelson filed an I.C.R. 35 motion, which the district court denied. Torkelson appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the

motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Torkelson's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Torkelson's Rule 35 motion is affirmed.